

No. 141

AN ACT

HB 903

Relating to certification of teachers in the public schools of the Commonwealth and creating a Professional Standards and Practices Commission.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions.—When used in this act, the following words and phrases shall have the following meanings:

(1) “Teacher” shall mean any person who holds a valid Pennsylvania teaching certificate.

(2) “Teach” shall mean to engage in the practice of teaching in the public schools of the Commonwealth or to provide related educational specialist, administrative or supervisory services in such schools.

(3) “Commission” shall mean the Professional Standards and Practices Commission.

(4) “Education specialist” shall mean a person employed by a public school as a certified guidance counselor, nurse, home and school visitor, psychologist, dental hygienist, instructional media specialist or nutrition specialist.

Section 2. Certification Requirements.—No person shall teach in a public school in the Commonwealth unless he has met the certification requirements as established by the State Board of Education which are applicable to the institution where he is employed.

Section 3. Professional Standards and Practices Commission.—There is hereby created a Professional Standards and Practices Commission consisting of sixteen members appointed by the Governor. The term of office of members of the commission, except the student member whose term shall be one year, shall be three years commencing on January 1 of the year following their appointment, except that original appointments shall be for staggered terms of one, two and three years in order that the terms of five members of the commission shall expire each year thereafter. Vacancies shall be filled for an unexpired term in the same manner as original appointments. No person shall serve for more than two consecutive terms as a member of the commission. The Governor may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty. All members of the commission shall be residents of the Commonwealth of Pennsylvania.

Section 4. Membership and Qualifications.—(a) The membership of the Professional Standards and Practices Commission shall consist of:

(1) Eight classroom teachers, including one educational specialist, broadly representative of the teaching profession from public schools.

(2) Three administrators from public schools.

(3) Two faculty members from approved institutions of higher learning in the Commonwealth offering approved teacher education programs.

(4) One administrator from an approved institution of higher learning in the Commonwealth offering approved teacher education programs.

(5) One college student currently enrolled in a program of teacher education in an approved institution of higher learning in the Commonwealth offering approved teacher education programs.

(6) One member from the general public who shall be a parent of a pupil attending a public school.

(b) Except for the representative of the general public, and the student representative, the Governor in making appointments shall consider recommendations from panels of nominees submitted by Statewide organizations of professional educators which certify that the panels include only representatives of the category of professional personnel for which the panel or panels of nominees are submitted.

(c) All members of the commission except the persons representing the college students and general public shall have been actively engaged in teaching or providing related educational, administrative or supervisory services in a public school or approved institution of higher education with approved teacher education programs for at least five of the eight years immediately preceding their appointment. A person appointed to the commission who leaves the Commonwealth to become domiciled in another state or whose employment status changes to a category different from that for which he was appointed shall have his position on the commission deemed vacated.

Section 5. Power and Duties.—(a) The Professional Standards and Practices Commission shall have the power and its duty shall be:

(1) To recommend to the State Board of Education standards for certification of teachers to render professional services in the public schools of the Commonwealth and for accreditation of teacher education programs and to evaluate teacher education and certification program services and activities to determine the effectiveness in terms of the annual and long-range program plans and to recommend changes to the State Board of Education as indicated by such evaluations.

(2) To recommend to the State Board of Education standards of professional practice for teachers in public schools. Nothing contained herein is intended to confer upon the State Board of Education the authority to suspend, annul or revoke teaching certificates other than as is otherwise provided in law.

(3) To recommend to the State Board of Education procedures which assure that actions concerning suspension, annulment or revocation of teaching certificates shall comply with due process.

(4) In order to make the recommendations referred to in subsections (1), (2) and (3) above, the Department of Education shall furnish all information the commission deems necessary.

(5) To adopt rules and regulations as may be necessary to carry out the purposes of this act. The commission shall hold public hearings and take testimony concerning proposed recommendations which shall be presented to the State Board of Education.

(6) Nothing in this act shall be construed to prevent organizations of the teaching profession from adopting measures designed to improve the standards and practices of ethics and academic freedom among their members and in their relationships with other persons and groups.

(b) All teachers' certificates in force in this Commonwealth at the time this act goes into effect shall continue in full force and effect, subject to all the terms and conditions under which they were issued, until they expire by virtue of their own limitations, unless they are sooner annulled for the reasons and in the manner provided by law.

Section 6. Organization and Meetings of the Commission.—The commission shall annually select a chairman and vice-chairman by ballot. Meetings shall be held at least four times per year at the call of the chairman or upon request in writing of a majority of the commission. A majority shall constitute a quorum and a majority of such quorum shall have authority to act upon any matter properly before the commission. The first meeting of the commission shall be held within six months of the effective date of this act. Meetings of the commission shall be open to the public and the Director of Professional Standards and Practices shall be responsible for seeing that notices of meetings of the commission are properly circulated.

Section 7. Expenses.—Members of the commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of official commission business. A member of the commission who is an employe of an agency of the Commonwealth, or any of its political subdivisions including school districts, shall be permitted to attend commission meetings and perform other commission duties without loss of income or other benefits. A member of the commission who is employed by a private employer shall be reimbursed for any income lost as a result of attendance at commission meetings or performance of other official commission duties.

Section 8. Director of Professional Standards and Practices.—There shall be a Director of Professional Standards and Practices who shall serve as the executive officer and secretary of the commission. The director shall be appointed by the Secretary of Education after consultation with the commission. The Department of Education shall provide adequate space, equipment, staff, secretarial and administrative assistance to facilitate the activities of the commission.

The commission shall keep minutes of its meetings and report annually to the Governor, the General Assembly, the teaching profession and the public.

Section 9. Professional Standards Committee; Abolition.—The Professional Standards Committee established under Chapter 49 of the Regulations of the State Board of Education is hereby abolished.

Section 10. Effective Date.—This act shall take effect immediately.

APPROVED—The 12th day of December, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 141.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.